

**EQC ENFORCEMENT REPORT
BOARD OF HEALTH AND ENVIRONMENTAL CONTROL
NOVEMBER 10, 2005**

BUREAU OF LAND AND WASTE MANAGEMENT

UST Enforcement

- 1) Order Type and Number: Consent Order 05-0679-UST
 Order Date: September 14, 2005
 Respondent: **Cummings Oil Co., Inc.**
 Facility: Cummings Oil Company Bulk Plant
 Location/Mailing Address: 473 Green Pond Hwy.
 Walterboro, SC 29488

 County: Colleton
 Previous Orders: None
 Permit/ID Number: 02574
 Violations Cited: UST Control Regulations, R.61-92,
 §280.31(a), R.61-92, §280.34(c).

Summary: Cummings Oil Company, Inc. is a petroleum distribution company based in Hampton, South Carolina that owns underground storage tanks located at eight facilities in South Carolina. The Respondent has violated the South Carolina Underground Storage Tank Control Regulations by failing to operate and maintain corrosion protection equipment continuously, and failing to supply records to the Department upon request.

Action: The Respondent has agreed to repair and retest the corrosion protection system at the bulk plant within 30 days of receipt of the finalized order and pay a civil penalty in the amount of four hundred dollars (**\$400.00**). If the work is completed as agreed, the penalty will be suspended.

- 2) Order Type and Number: Administrative Order 04-0545-UST
 Order Date: July 7, 2005
 Respondent: **J. W. Jacobs dba Johnny's Truck
Stop**
 Facility: Johnny's Truck Stop
 Location/Mailing Address: 760 S. Main St.
 Society Hill, SC 29593

 County: Darlington
 Previous Orders: AO 01-0746-UST (\$1,000)
 Permit/ID Number: 02698

Violations Cited: UST Control Regulations, R.61-92, §280.40(a); R.61-92, §280.93(a); R.61-92, §280.34(c); R.61-92, §280.110(c).

Summary: J. W. Jacobs owns and operates underground storage tanks located at 760 South Main Street in Society Hill, South Carolina. The Respondent has violated the South Carolina Underground Storage Tank Control Regulations as follows: failure to have an adequate release detection method, failure to demonstrate financial responsibility as required by the Department, and failure to supply records to the Department upon request.

Action: The Department issued an Administrative Order with a civil penalty of five thousand five hundred fifty dollars (**\$5,550.00**) when it became clear that the owner/operator did not intend to enter into a Consent Order or come into compliance by providing release detection records and financial responsibility documentation. The Administrative Order was not appealed.

3) Order Type and Number: Administrative Order 03-0439-UST
Order Date: July 8, 2005
Respondent: **Larry Bochette**
Facility: Evergreen Express
Location/Mailing Address: 6331 Pamlico Hwy.
Effingham, SC 29541
County: Florence
Previous Orders: AO 01-0029-UST (\$0)
Permit/ID Number: 03428

Facility: Midway Supply
Location/Mailing Address: 6402 Pamlico Hwy.
Effingham, SC 29541
County: Florence
Previous Orders: None
Permit/ID Number: 16808
Violations Cited: UST Control Regulations, R.61-92, §280.40(a); R.61-92, §280.93(a); R.61-92, §280.110(c).

Summary: Larry Bochette owns underground storage tanks located at 6331 and 6402 Pamlico Highway in Effingham, South Carolina. The Respondent has violated the South Carolina Underground Storage Tank Control Regulations as follows: failure to have an adequate release detection method, failure to demonstrate financial responsibility, and failure to supply records to the Department upon request.

Action: The Department issued an Administrative Order with a civil penalty of eleven thousand two hundred ten dollars (**\$11,210.00**) when it became

clear that the owner/operator did not intend to enter into a Consent Order or come into compliance by providing release detection testing results and records, and current financial responsibility documentation. The Administrative Order was not appealed. Subsequently, the operator of the Evergreen Express facility brought the tanks at that facility into compliance.

- 4) Order Type and Number: Administrative Order 05-0332-UST
 Order Date: August 1, 2005
 Respondents: **Harborview, Inc. and Agam, LLC**
 Facility: Harborview
 Location/Mailing Address: Hwy 162 & Hwy 165
 Hollywood, SC 29445

 County: Charleston
 Previous Orders: None
 Permit/ID Number: 10751
 Violations Cited: UST Control Regulations, R.61-92,
 §280.40(a), R.61-92, §280.34(c).

Summary: Harborview, Inc. owns and Agam, LLC operates underground storage tanks located at Highway 162 and Highway 165 in Hollywood, South Carolina. The Respondents have violated the South Carolina Underground Storage Tank Control Regulations as follows: failure to provide an adequate release detection method, and failure to supply records to the Department upon request.

Action: The Department issued an Administrative Order with a civil penalty of three thousand eight hundred fifty-seven dollars (**\$3,857.00**) when it became clear that neither the owner nor the operator intended to enter into a Consent Order or come into compliance by providing release detection records to the Department. The Administrative Order was not appealed.

- 5) Order Type and Number: Administrative Order 04-0721-UST
 Order Date: August 1, 2005
 Respondents: **Ziad Abdallah & Yaser Abdalfattah**

 Facility: Crossroads
 Location/Mailing Address: 2400 Standing Springs Rd.
 Greenville, SC 29607

 County: Greenville
 Previous Orders: None
 Permit/ID Number: 16894
 Violations Cited: UST Control Regulations, R.61-92,
 §280.30(a); R.61-92, §280.31(a), R.61-92, §280.40(a), R.61-92,
 §280.93(a), R.61-92, §280.34(c).

Summary: Ziad Abdallah and Yaser Abdalfattah own and operate underground storage tanks located at 2400 Standing Springs Road in Greenville, South Carolina. The Respondents have violated the South Carolina Underground Storage Tank Control Regulations as follows: failure to maintain the spill prevention equipment, failure to repair and retest the corrosion protection system, failure to provide an adequate release detection method, failure to demonstrate financial responsibility, and failure to supply records to the Department upon request.

Action: The Department issued an Administrative Order with a civil penalty of eight thousand dollars (**\$8,000.00**) when it became clear that neither the owner nor the operator intended to enter into a Consent Order or come into compliance by repairing the spill prevention equipment, repairing and retesting the corrosion protection system, providing the release detection records, and demonstrating financial responsibility to the Department. The Administrative Order was not appealed.

Solid Waste Enforcement

- 6) Order Type and Number: Consent Order 05-01-MSWM
 Order Date: September 7, 2005
 Respondent: **Rinker Materials of Florida, Inc.**
 Facility: Deerfield Sand Mine
 Location/Mailing Address: 1501 Belvedere Road
 West Palm Beach, FL 33406

 County: Jasper
 Previous Orders: None
 Permit/ID Number: I-00016
 Violations Cited: South Carolina Mining Act (2002)
 (Act), S.C. Code Ann. § 48-20-60 (Supp. 2004).

Summary: The Company operates the Deerfield Sand Mine (Site) in Jasper County, South Carolina, under Permit # I-00016 (Permit), and mined approximately six (6) acres in a proposed, but to date, unapproved, expansion area on the Site, in violation of the Permit.

Action: The Respondent is required to continue to comply with the Department's cease and desist order issued on July 19, 2005, until the Company has secured a permit modification that will allow it to mine in the expansion area; and to pay a civil penalty of one thousand dollars (**\$1,000.00**) to the Department.

- 7) Order Type and Number: Consent Order 05-02-MSWM

Order Date: September 26, 2005
Respondent: **Luc G. Godard Trucking & Landscaping, Inc.**
Facility: Wessel Mine
Location/Mailing Address: 151 Chime Bell Church Road
Aiken, SC 29803
County: Aiken
Previous Orders: None
Permit/ID Number: None
Violations Cited: South Carolina Mining Act (2002)
(Act), S.C. Code Ann. §§ 48-20-60 and 48-20-70 (Supp. 2004).

Summary: Luc G. Godard Trucking & Landscaping, Inc. (Company) operated an unpermitted mine on property owned by Mr. Mark Wessel, in Aiken County, South Carolina (Site).

Action: The Respondent is required to obtain a mining permit for the Site, and pay a civil penalty of one thousand dollars (**\$1,000.00**) to the Department.

8) Order Type and Number: Consent Order 05-03-MSWM
Order Date: September 26, 2005
Respondent: **Mr. Mark Wessel**
Facility: Wessel Mine
Location/Mailing Address: 966 Colbert Bridge Road
Aiken, SC 29803-4935
County: Aiken
Previous Orders: None
Permit/ID Number: None
Violations Cited: South Carolina Mining Act (2002)
(Act), S.C. Code Ann. § 48-20-60 (Supp. 2004).

Summary: Mr. Mark Wessel (Mr. Wessel) allowed Luc G. Godard Trucking & Landscaping, Inc. (Company) to operate an unpermitted mine on property Mr. Wessel owns in Aiken County, South Carolina (Site).

Action: The Respondent has agreed to assist the Company in obtaining a mining permit for the Site, and pay a civil penalty of five hundred dollars (**\$500.00**) to the Department.

9) Order Type and Number: Consent Order 05-05-RW
Order Date: September 14, 2005
Respondent: **Nebraska Public Power District**

Facility: Cooper Nuclear Station
Location/Mailing Address: P.O. Box 98
Brownville, NE 68321
County: Brownville, NE
Previous Orders: None
Permit/ID Number: 0218-26-05-X
Violations Cited: South Carolina Radioactive Waste Transportation and Disposal Act of 1976 (Act), Transportation of Radioactive Waste Regulation 61-83 (Regulation), Section 1.2; S.C. Radioactive Material License # 097 (License), Amendment # 48, Condition 61.

Summary: Nebraska Public Power District/Cooper Nuclear Station (Company) failed to package a shipment of radioactive waste to the Chem-Nuclear disposal facility in Barnwell, South Carolina, in a manner that would prevent the release of radioactive waste into the shipping container. This constitutes a violation of the Regulation and the License.

Action: The Respondent agreed to submit corrective action measures to the Department and to pay a civil penalty of five thousand dollars (**\$5,000.00**).

- 10) Order Type and Number: Consent Order 05-06-RW
Order Date: September 23, 2005
Respondent: **Studsvik Processing Facility, L.L.C.**
Facility: Studsvik Processing Facility
Location/Mailing Address: 151 T.C. Runnion Road
Erwin, TN 37650
County: Erwin, TN
Previous Orders: None
Permit/ID Number: 4103-41-05-X
Violations Cited: South Carolina Radioactive Waste Transportation and Disposal Act of 1976 (Act), Transportation of Radioactive Waste Regulation 61-83 (Regulation), Section 1.2; S.C. Radioactive Material License # 097 (License), Amendment # 48, Conditions 60 and 61; and the Barnwell Waste Management Facility Site Disposal Criteria Chem-Nuclear Systems (Disposal Site Criteria), Section 12.1.4.

Summary: Studsvik Processing Facility, L.L.C. (Company) failed to package a shipment of radioactive waste to the Chem-Nuclear disposal facility in Barnwell, South Carolina, in a manner that would prevent the release of radioactive waste into the shipping container, and the Company failed to properly label the shipment in accordance with applicable USDOT regulations. This

constitutes a violation of the Regulation, the License, and the Disposal Site Criteria.

Action: The Respondent agreed to submit corrective action measures to the Department and to pay a civil penalty of one thousand dollars (**\$1,000.00**).

- 11) Order Type and Number: Consent Order 05-07-RW
 Order Date: September 28, 2005
 Respondent: **RACE, L.L.C.**
 Facility: RACE
 Location/Mailing Address: 2550 Channel Avenue
 Memphis, TN 38113-0143

 County: Memphis, TN
 Previous Orders: None
 Permit/ID Number: 4859-41-05-X
 Violations Cited: South Carolina Radioactive Waste
 Transportation and Disposal Act of 1976 (Act), Transportation of
 Radioactive Waste Regulation 61-83 (Regulation), Section 1.2; S.C.
 Radioactive Material License # 097 (License), Amendment # 48,
 Conditions 22 and 24; 49CFR-Transportation, Sections 172.202(a)(3),
 173.24(b)(2), 173.24(f)(1)(ii), 173.410(d), and 393.102(a)(2); and the
 Barnwell Waste Management Facility Site Disposal Criteria Chem-
 Nuclear Systems (Disposal Site Criteria), Section 3.7.1.
 Project Manager: **Cindy Williams**

Summary: RACE, L.L.C. (Company) failed to properly package, secure, and manifest a shipment of three (3) containers of radioactive waste to the Chem-Nuclear disposal facility in Barnwell, South Carolina. This constitutes a violation of the Regulation, the License, federal regulations, and the Disposal Site Criteria.

Action: The Department suspended the Company's permit for a period of thirty (30) days. The Company agreed to submit corrective action measures to the Department and to pay a civil penalty of eight thousand dollars (**\$8,000.00**).

- 12) Order Type and Number: Consent Order 05-06-SW
 Order Date: September 28, 2005
 Respondent: **E.P. Keller, III d.b.a. Ladson
 Wood Recycling**
 Facility: Ladson Wood Recycling
 Location/Mailing Address: 205 St. James Ave. - #348
 Goose Creek, SC 29445

 County: Charleston

Previous Orders: 03-01-SW (suspended penalty - \$12,000.00)
Permit/ID Number: 102745-3001
Violations Cited: South Carolina Solid Waste Policy and Management Act of 1991 (2002) (Act), 25A S.C. Code Ann. Reg. (Regulation) (Supp. 2004) 61-107.4: C.2. and G.1.; and, Composting and Wood-Chipping Registration # 102745-3001.

Summary: Mr. Keller violated his Registration and the Regulation by operating outside of the permitted area at Ladson Wood Recycling; by operating on an adjacent, unpermitted site; and by failing to fund proof of a financial assurance mechanism sufficient to cover the expansion of the Ladson facility.

Action: The Respondent has agreed to: submit additional information to the Department to complete the request for a Registration modification that will include the expansion of the facility; and to pay to the Department a civil penalty in the amount of five thousand dollars (**\$5,000.00**).

BUREAU OF WATER

Drinking Water Enforcement

13) Order Type and Number: Consent Order 05-115-DW
Order Date: September 7, 2005
Respondent: **MV Development Company, LLC**
Facility: Mount Vintage Plantation
Location/Mailing Address: 215 Mount Vintage Plantation Dr.
North Augusta, S.C. 29860
County: Edgefield
Previous Orders: None
Permit/ID Number: 19-1002B
Violations Cited: 24A S.C. Code Ann. Regs. 61-51(B)(7)

Summary: MV Development Company, LLC (Respondent) is responsible for the operation and maintenance of a public swimming pool. The Respondent has violated the Public Swimming Pool Regulations as follows: failure to obtain approval to operate prior to placing the pool into operation.

Action: The Respondent has agreed to: operate and maintain the public swimming pool in accordance with all applicable State laws and regulations and pay a civil penalty in the amount of two hundred forty dollars (**\$240.00**). The civil penalty has been paid.

Summary: Michael Whetstone Jr. (Respondent) d/b/a Palmetto Fabricators, Inc. is responsible for the operation and maintenance of a PWS. The Respondent has violated the State Primary Drinking Water Regulations and the Environmental Protection Fee Regulations as follows: failure to perform bacteriological monitoring and failure to pay State Safe Drinking Water Fees.

Action: The Respondent has agreed to: operate and maintain the PWS in accordance with all applicable State laws and regulations; issue PN for failure to conduct bacteriological monitoring; pay the balance of the annual State Safe Drinking Water Fees totaling four hundred twelve dollars and fifty cents (\$412.50); and pay a civil penalty in the amount of seven hundred dollars of (\$700.00).

16)	<u>Order Type and Number:</u>	Consent Order 05-132-DW
	<u>Order Date:</u>	September 15, 2005
	<u>Respondent:</u>	Frank McGuire Jr.
	<u>Facility:</u>	The Depoe Store
	<u>Location/Mailing Address:</u>	P.O. Box 37599 Rock Hill, S.C. 29732
	<u>County:</u>	York
	<u>Previous Orders:</u>	None
	<u>Permit ID/Number:</u>	4672007
	<u>Violations Cited:</u>	S.C. Code Ann. Regs. 61-58.5(C)(2)(c), 61-30(G)(2), and S.C. Code Ann. 44-55-90

Summary: Frank McGuire Jr. (Respondent) d/b/a The Depoe Store is responsible for the operation and maintenance of a PWS. The Respondent has violated the State Primary Drinking Water Regulations and the Environmental Protection Fee Regulations as follows: failure to perform nitrate monitoring and failure to pay State Safe Drinking Water Fees.

Action: The Respondent has agreed to: operate and maintain the PWS in accordance with all applicable State and Federal laws and regulations; submit PN for failure to monitor for nitrates; pay the balance of the annual State Safe Drinking Water Fees totaling six hundred fifty-seven dollars and fifty cents (\$657.50); and pay a civil penalty in the amount of seven hundred dollars (\$700.00).

17)	<u>Order Type and Number:</u>	Consent Order 05-133-DW
	<u>Order Date:</u>	September 15, 2005
	<u>Respondent:</u>	Frank McGuire Jr.
	<u>Facility:</u>	J&W Superette
	<u>Location/Mailing Address:</u>	P.O. Box 37599

Rock Hill, S.C. 29732
County: York
Previous Orders: None
Permit/ID Number: 4670974
Violations Cited: S.C. Code Ann. Regs. 61-58.5
(C)(2)(c), 61-30(G)(2), and S.C. Code Ann § 44-55-90(B)

Summary: Frank McGuire Jr. (Respondent) d/b/a J&W Superette is responsible for the operation and maintenance of a PWS. The Respondent has violated the State Primary Drinking Water Regulations and the Environmental Protection Fee Regulations as follows: failure to perform nitrate monitoring and failure to pay State Safe Drinking Water Fees.

Action: The Respondent has agreed to: operate and maintain the PWS in accordance with all applicable State and Federal laws and regulations; submit PN for failure to monitor for nitrates; pay the balance of the annual State Safe Drinking Water Fees totaling six hundred fifty-seven dollars and fifty cents (\$657.50); and pay a civil penalty in the amount of seven hundred dollars (\$700.00).

18) Order Type and Number: Consent Order 05-136-DW
Order Date: September 14, 2005
Respondent: **Rosa Fulton**
Facility: Rosa Fulton Daycare
Location/Mailing Address: P.O. Box 242
Cades, S.C. 29518
County: Williamsburg
Previous Orders: None
Permit/ID Number: 4570139
Violations Cited: S.C. Code Ann. Regs. 61-58.5(G)
and 61-30(G)(2)

Summary: Rosa Fulton (Respondent) d/b/a Rosa Fulton Daycare is responsible for the proper operation and maintenance of a PWS. The Respondent has violated the State Primary Drinking Water Regulations and the Environmental Protection Fee Regulations as follows: failure to perform the required bacteriological monitoring and failure to pay the State Safe Drinking Water Fees.

Action: The Respondent has agreed to: issue PN to the residents of Rosa Fulton Daycare for failure to conduct annual bacteriological monitoring; pay the balance of the annual State Safe Drinking Water Fees totaling four hundred twelve dollars and fifty cents (\$412.50); and pay a **suspended penalty** in the

amount of seven hundred dollars (**\$700.00**) if she fails to meet any requirement of this Order.

WATER POLLUTION ENFORCEMENT

- 19) Order Type and Number: Consent Order 05-123-W
 Order Date: September 7, 2005
 Respondent: **City of Abbeville**
 Facility: Long Cane Creek WWTF
 Location/Mailing Address: P.O. Box 40
 Abbeville, S.C. 29620
 County: Abbeville
 Previous Orders: 03-121-W (\$1400) and 04-144-W
 (\$7000)
 Permit/ID Number: SC0040614
 Violations Cited: S.C. Code Ann. § 48-1-110(d), 24
 S.C. Code Ann. Regs. 61-9.122.41(a)(1) and (j)(3)(Supp 2004)

Summary: City of Abbeville (Respondent) owns and is responsible for the proper operation and maintenance of a wastewater treatment facility (WWTF). The Respondent has violated the Pollution Control Act and associated regulations as follows: failed to comply with the effluent limits for aluminum (Al) and ammonia-nitrogen (NH₃N); and failure to submit Discharge Monitoring Reports (DMRs).

Action: The Respondent has agreed to: comply with all applicable State and Federal regulations; submit a standard operating procedure (SOP); submit a preliminary engineering report (PER); pay a civil penalty in the amount of three thousand five hundred dollars (**\$3,500.00**) and pay a **suspended penalty** in the amount of three thousand five hundred dollars (**\$3,500.00**) if it fails to meet any requirement of this Order.

- 20) Order Type and Number: Consent Order 05-128-W
 Order Date: September 7, 2005
 Respondent: **Cateechee Village Association**
 Facility: Cateechee Village SD WWTF
 Location/Mailing Address: 303 North Garrett Street
 Central, S.C. 29630
 County: Pickens
 Previous Orders: 01-238-W (\$0)
 Permit/ID Number: SC0022012

Violations Cited: S.C. Code Ann. § 48-1-110(d)(Supp. 2004) and 24 S.C. Code Ann. Regs. 61-9.122.41 (a) and (e)(Supp. 2004).

Summary: Cateechee Village Association (Respondent) owns and is responsible for the proper operation and maintenance of a WWTF. The Respondent has violated the Pollution Control Act and Water Pollution Control Permit Regulations as follows: failed to comply with the effluent discharge limits for fecal coliform bacteria and failed to properly operate and maintain its wastewater collection system (WWCS).

Action: The Respondent has agreed to: comply with all applicable State and Federal regulations; submit a corrective action plan (CAP) detailing standard operating procedures and best management practices (BMPs); submit a viability study (business plan) with recommendations addressing the financial standing of the Respondent; and pay a civil penalty in the amount of four thousand two hundred dollars (\$4,200.00) in quarterly installments.

21) Order Type and Number: Consent Order 05-129-W
Order Date: September 7, 2005
Respondent: **Coastal Concrete, Inc.**
Facility: Bees Creek Mine
Location/Mailing Address: P.O. Box 220
Bluffton, S.C. 29910
County: Jasper
Previous Orders: None
Permit/ID Number: SCG730670
Violations Cited: S.C. Code Ann. § 48-1-90(a)(1987), § 48-1-110(a)(3)(Supp. 2004), 24 S.C. Code Ann. Regs. 61-9.122.21 (a)(3) and .41(a)(Supp. 2004) and 25 S.C. Code Ann. Regs. 61-68(E)(5)(d)(Supp. 2004)

Summary: Coastal Concrete, Inc. (Respondent) owns and is responsible for the proper operation and maintenance of its Bees Creek Mine. The Respondent has violated the Pollution Control Act, Water Classifications and Standards, and Water Pollution Control Permit Regulations as follows: allowed the discharge of storm water and mine pit dewatering into the environment, including waters of the State; failed to submit a Notice of Intent (NOI) prior to initiating the discharge of mine pit dewatering; failed to monitor the discharge of mine pit dewatering in accordance with the requirements of the permit; and failed to keep waters of the State free of deleterious materials that interfere with classified and/or existing water uses.

Action: The Respondent has agreed to: comply with all applicable State and Federal regulations; submit copies of the DMRs for the 2 most recent

monitoring events; submit copies of the Respondent's Storm Water Pollution Prevention Plan (SWP³); and pay a civil penalty in the amount of seven thousand two hundred and fifty dollars (\$7,250.00).

- 22) Order Type and Number: Consent Order 05-130-W
 Order Date: September 7, 2005
 Respondent: **City of Rock Hill**
 Facility: Manchester Creek WWTF
 Location/Mailing Address: P.O. Box 11706
 Rock Hill, S.C. 29731

 County: York
 Previous Orders: 02-167-W (\$12,000)
 Permit/ID Number: SC0020443
 Violations Cited: S.C. Code Ann. § 48-1-110(d)(Supp. 2004) and 24 S.C. Code Ann. Regs. 61-9.122.41(a)(1)(Supp. 2004)

Summary: The City of Rock Hill (Respondent) is responsible for the operation and maintenance of a WWTF. The Respondent has violated the Pollution Control Act and Water Pollution Control Permit Regulations as follows: failed to comply with the effluent limits for biochemical oxygen demand (BOD) and fecal coliform bacteria (FC).

Action: The Respondent has agreed to: submit an updated Operations and Maintenance Manual and pay a civil penalty in the amount of nine thousand eight hundred dollars (\$9,800.00).

- 23) Order Type and Number: Consent Order 05-135-W
 Order Date: September 14, 2005
 Respondent: **SCDOT/E.S. Wagner Company, LLC**
 Facility: SC HWY 290 RD Widening Project
 Location/Mailing Address: P.O. Box 191
 Columbia, S.C. 29202

 County: Spartanburg
 Previous Orders: None
 Permit/ID Number: None
 Violations Cited: S.C. Code Ann. §48-1-90(a)(1)(1987), 25 S.C. Code Ann. Regs. 61-68(E)(4)(a)(Supp. 2004) and 24 S.C. Code Ann. Regs. 61-9.122.41(a) and (e)(Supp. 2004)

Summary: SCDOT/E.S. Wagner Company, LLC (Respondents) are responsible for the construction activities at the SC Highway 290 Road Widening Project (Site). The Respondents have violated the Pollution Control Act and the Water Pollution Control Permit Regulations as follows: failure to operate and

maintain all facilities and systems of treatment and control and discharged sediment into the waters of the State.

Action: The Respondents have agreed to: comply with all permitting and operating requirements in accordance with all applicable State and Federal laws and regulations; submit a report, completed and stamped by a South Carolina Registered Professional Engineer, certifying that the installation of the necessary storm water and sediment control devices are complete and in accordance with the approved plans and specification; and pay a civil penalty in the amount of eleven thousand two hundred dollars (**\$11,200.00**).

24) Order Type and Number: Consent Order 05-137-W
Order Date: September 15, 2005
Respondent: **ADIZ, LLC**
Facility: Stonington Town Homes
Location/Mailing Address: 220 Boy Scout Road
Augusta, GA 30909
County: Aiken
Previous Orders: 05-002-W (\$6,800)
Permit/ID Number: SCR108608
Violations Cited: S.C. Code Ann § 48-1-90(a)(1)
(1987), 25 S.C. Code Ann. Regs. 61-68(E)(5)(d)(Supp. 2004), and 24 S.C.
Code Ann. Regs. 61-9.122.41(a) and (e)(Supp. 2004)

Summary: ADIZ, LLC (Respondent) is responsible for the construction activities at the Stonington Town Homes (Site). The Respondent has violated the Pollution Control Act and the Water Pollution Control Permit Regulations as follows: failure to operate and maintain all facilities and systems of treatment and control and discharged sediment into the environment, including waters of the State.

Action: The Respondent has agreed to: comply with all permitting and operating requirements in accordance with all applicable State and Federal laws and regulations; submit a report, completed and stamped by a South Carolina Registered Professional Engineer, certifying that the installation of the necessary storm water and sediment control devices are complete and in accordance with the approved plans and specification; and pay a civil penalty in the amount of twelve thousand eight hundred dollars (**\$12,800.00**).

25) Order Type and Number: Consent Order 05-139-W
Order Date: September 14, 2005
Respondent: **Chester Sewer District**
Facility: Lando-Manetta WWTF
Location/Mailing Address: P. O. Box 550

	Chester, S.C. 29706
<u>County:</u>	Chester
<u>Previous Orders:</u>	None
<u>Permit/ID Number:</u>	SC0001741
<u>Violations Cited:</u>	S.C. Code Ann. § 48-1-110(d) (Supp. 2004) and 24 S.C. Code Ann. Regs. 61-9.122.41(a)(Supp. 2004)

Summary: Chester Sewer District (Respondent) owns and is responsible for proper operation and maintenance of a WWTF. The Respondent has violated the Pollution Control Act and Water Pollution Control Permit Regulations as follows: failed to comply with the effluent discharge limits for ammonia-nitrogen (NH₃-N).

Action: The Respondent has agreed to: comply with all applicable State and Federal regulations and pay a civil penalty in the amount of four thousand two hundred dollars (\$4,200.00).

Joint Water Enforcement Orders

26)	<u>Order Type and Number:</u>	Consent Order 05-140-W, DW
	<u>Order Date:</u>	September 15, 2005
	<u>Respondent:</u>	Jim Thigpen
	<u>Facility:</u>	Lake Marion Mobile Home Park/Big Water Campground II
	<u>Location/Mailing Address:</u>	P.O. Box 700 Summerton, S.C. 29148
	<u>County:</u>	Clarendon
	<u>Previous Orders:</u>	None
	<u>Permit ID/Number:</u>	1460010
	<u>Violations Cited:</u>	S.C. Code Ann. Regs. 61-58.1(B)(1), 61-58.4(D)(12)(d) and (D)(11)(c), 61-67.300(A)(1), (A)(12) and (A)(14)(b), S.C. Code Ann. § 44-55-90 and 48-1-330

Summary: Jim Thigpen (Respondent) d/b/a Lake Marion Mobile Home Park/Big Water Campground II is responsible for the proper installation of water and wastewater lines. The Respondent has violated the State Primary Drinking Water Regulations and Standards for Wastewater Facility Construction as follows: failure to obtain a permit prior to constructing a public water system (PWS); failure to properly construct a PWS; failure to obtain a permit prior to constructing a wastewater collection system (WWCS); and failure to properly construct a WWCS.

Action: The Respondent has agreed to: operate and maintain the PWS and the WWCS in accordance with all applicable State and Federal laws and regulations; submit a submittal package including an application for a permit to construct a WWCS; complete construction of the WWCS within 150 days of the issuance of the permit to construct; cap all drinking water lines at the site and have this inspected; submit a submittal package including an application for a permit to construct a PWS; complete construction of the PWS within 150 days of the issuance of the permit to construct; and pay a civil penalty in the amount of ten thousand eight hundred dollars (\$10,800.00).

BUREAU OF AIR QUALITY

27) Order Type and Number: Consent Order 05-045-A
Order Date: September 14, 2005
Respondent: **Mr. Bill Rose d/b/a Bill Rose Contractors**
Facility: Former Monaghan Mill
Location/Mailing Address: 201 Smythe St
Greenville, SC 29611
County: Greenville
Previous Orders: None
Permit/ID Number: None
Violations Cited: U.S. EPA 40 CFR 61.145(a); South Carolina Air Pollution Control Regulation 61-86.1, Standards of Performance for Asbestos Projects; South Carolina Air Pollution Control Regulation 61-62.2, Prohibition of Open Burning

Summary: Mr. Bill Rose d/b/a Bill Rose Contractors ("Respondent"), located in Easley, South Carolina, is a construction contractor. The Respondent has violated U.S. EPA 40 CFR 61 and South Carolina Air Pollution Control Regulations as follows: failure to ensure that an asbestos survey was conducted prior to commencing abatement and demolition activities; failure to provide written notification before commencing asbestos activities and demolition activities; failure to obtain an asbestos project license prior to beginning asbestos abatement and demolition projects; failure to pay applicable asbestos project fees; failure to use workers licensed by the Department prior to engaging in an asbestos project; failure to submit to the Department a completed waste shipment record within 45 days of completion of asbestos abatement; and burning materials other than those provided in State open burning regulations.

Action: The Respondent has agreed to: provide the Department written notices of intent to abate asbestos-containing material and to demolish the subject structure; obtain an asbestos project license for the abatement and demolition project; pay all applicable fees for the subject abatement and demolition project;

submit completed waste shipment records for the subject abatement project; ensure that an employee responsible for ensuring compliance with asbestos regulations completes a 40-hour Department-approved asbestos supervisor course and submit verification of completion; henceforth provide the Department with the applicable written notice, obtain a project license, and pay all applicable fees prior to beginning any asbestos or demolition project; henceforth ensure that an asbestos survey is performed prior to commencing any asbestos or demolition project; henceforth provide the Department with a completed waste shipment record within 45 days of abatement; cease open burning, except as provided by South Carolina Air Pollution Control Regulations; and pay to the Department a civil penalty in the amount of one thousand five hundred dollars (**\$1,500.00**).

28)	<u>Order Type and Number:</u>	Consent Order 05-046-A
	<u>Order Date:</u>	September 23, 2005
	<u>Respondent:</u>	Fuji Photo Film, Inc.
	<u>Facility:</u>	Fuji Photo Film, Inc.
	<u>Location/Mailing Address:</u>	211 Pucketts Ferry Rd Greenwood, SC 29648
	<u>County:</u>	Greenwood
	<u>Previous Orders:</u>	None
	<u>Permit/ID Number:</u>	1240-0046; 1240-0074; 1240-0097; 1240-0098
	<u>Violations Cited:</u>	South Carolina Air Pollution Control Regulation 61-62.70.5, <u>Permit Applications</u>

Summary: Fuji Photo Film, Inc. ("Respondent") manufactures presensitized lithographic printing plates, photosensitive paper and film, and one-time-use cameras; and converts and packages imaging films at seven facilities located on its Greenwood, South Carolina campus. The Department issued Fuji a Part 70 ("Title V") Air Quality Operating Permit, Nos. TV-1240-0046 (P Plant), TV-1240-0074 (K, L, N, and G Plants), TV-1240-0097 (F Plant), and TV-1240-0098 (X Plant), effective August 1, 2001, with an expiration date of July 31, 2004. The Respondent has violated the South Carolina Air Pollution Control Regulations for failure to submit a complete application for renewal of its Title V operating permit at least six months prior to the expiration date of its permit.

Action: The Respondent has agreed to: comply with the terms and conditions of its Title V Operating Permit, effective August 1, 2001, until such time as the Department has taken a final action on the application for permit renewal; within forty-five (45) days after July 31 of each year, submit to the Department a Title V annual compliance certification ("TVACC") until such time as the Department has taken a final action on the application for permit renewal; within forty-five (45) days after the effective date of permit renewal, submit to the Department an interim TVACC for the reporting period starting with the first day

not covered by the most recently submitted TVACC through the effective date of the renewal permit.